

Status: Point in time view as at 14/07/2004.

Changes to legislation: Telecommunications Act 1984, Paragraph 14 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

THE TELECOMMUNICATIONS CODE

Modifications etc. (not altering text)

- C1 Sch. 2 excluded by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 189(1)**
- C1 Sch. 2: definition applied (E.W.)(1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), **ss. 221(1), 225(2)**.
- C1 Sch. 2: definition applied (E.W.)(1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 219(1), 223(2)**.
- C1 Sch. 2: modified by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi, SIF 200\)](#), s.10.
- C1 Sch. 2 modified (12.11.1992) by [Greater Manchester \(Light Rapid Transit System\) Act 1992 \(c. xviii\)](#), **s.10**
- C1 Sch. 2 applied (27.7.1993) by [1993 c. xii, s. 1](#), **Sch. Pt. IV s. 28**.
Sch. 2 modified (26.5.1994) by [1994 c. vi, s. 10](#)
- C1 Sch. 2 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), arts. 1, 2, **Sch. Pt. I**

Alteration of apparatus crossing a linear obstacle

- 14 (1) Without prejudice to the following provisions of this code, the person with control of any relevant land may, on the ground that any [^{F1}electronic communications apparatus] kept installed on, under or over that land for the purposes of the operator's [^{F2}network] interferes, or is likely to interfere, with—
- (a) the carrying on of the railway, canal or tramway undertaking carried on by that person, or
 - (b) anything done or to be done for the purposes of that undertaking,
- give notice to the operator requiring him to alter that apparatus.
- (2) The operator shall within a reasonable time and to the reasonable satisfaction of the person giving the notice comply with a notice under sub-paragraph (1) above unless before the expiration of the period of 28 days beginning with the giving of the notice he gives a counter-notice to the person with control of the land in question specifying the respects in which he is not prepared to comply with the original notice.
- (3) Where a counter-notice has been given under sub-paragraph (2) above the operator shall not be required to comply with the original notice but the person with control of the relevant land may apply to the court for an order requiring the alteration of any [^{F1}electronic communications apparatus] to which the notice relates.
- (4) The court shall not make an order under this paragraph unless it is satisfied that the order is necessary on one of the grounds mentioned in sub-paragraph (1) above and in determining whether to make such an order the court shall also have regard to all the circumstances and to the principle that no person should unreasonably be denied

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access to [^{F3}an electronic communications network or to electronic communications services].

- (5) An order under this paragraph may take such form and be on such terms as the court thinks fit and may impose such conditions and may contain such directions to the operator or the person with control of the land in question as the court thinks necessary for resolving any difference between the operator and that person and for protecting their respective interests.
- (6) In this paragraph references to relevant land and to the person with control of such land have the same meaning as in paragraph 12 above.

Textual Amendments

- F1** Words in [Sch. 2 para. 14](#) substituted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 106, 406, 408, 411, [Sch. 3 para. 5\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F2** Word in [Sch. 2 para. 14](#) substituted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 106, 406, 408, 411, [Sch. 3 para. 5\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F3** Words in [Sch. 2 para. 14](#) substituted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 106, 406, 408, 411, [Sch. 3 para. 5\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

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